

To: Hupp, Sydney[hupp.sydney@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Hupp, Millan[hupp.millan@epa.gov]; Davis, Gail[Davis.Gail@epa.gov]
From: Keith, Jennie
Sent: Tue 4/18/2017 3:45:48 PM
Subject: RE: Kentucky Derby

FYI, I'm assuming that the "tickets" are for attendance in a private suite or skybox. If that's the case, here's how to determine the fair market value:

gift of attendance in a skybox or private suite is determined by adding the market value of the most expensive publicly available ticket to the event to the market value of the food, parking and other tangible benefits provided in connection with the gift of attendance. Assume, for example, that an employee is offered free admission for two to a private suite at an arena to view a music concert. The most expensive ticket available to the public at retail for that event is \$150. However, in addition to the value of entrance to the event, attendance in the private suite comes with food and beverages provided during the concert valued at \$50 per person and a parking pass with a market value of \$25. Thus, the total value of the gift to the employee is \$425: \$300 for the admission for two, plus \$100 for the food and beverages for two, plus \$25 for the parking pass.

If the ticket is for a publicly available seat, we'll look at the ticket price directly.

I hope this helps!

Jennie for OGC/Ethics

From: Hupp, Sydney
Sent: Monday, April 17, 2017 8:47 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Hupp, Millan <hupp.millan@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Kentucky Derby

The Administrator is asking me what he might owe. Tate, what is the price sheet you were talking about?

Sydney Hupp

Office of the Administrator- Scheduling

202.816.1659

From: Fugh, Justina
Sent: Saturday, April 8, 2017 1:51 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Hupp, Sydney <hupp.sydney@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: Re: Kentucky Derby

We look at the fair market price of the ticket and then include any other perks like parking, food, etc.

Sent from my iPhone

On Apr 7, 2017, at 6:36 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

There is a price sheet.

From: Hupp, Sydney
Sent: Friday, April 7, 2017 6:20 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Cc: Davis, Gail <Davis.Gail@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Kentucky Derby

How is full value of tickets determined?

Sydney Hupp

Office of the Administrator- Scheduling

202.816.1659

From: Fugh, Justina

Sent: Monday, April 3, 2017 3:42 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>

Cc: Hupp, Sydney <hupp.sydney@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>

Subject: RE: Kentucky Derby

Hi there,

Unless the Administrator is given an official speech at the Derby, then I don't see how he and his wife can accept free attendance at the Derby. In 2007, the Office of Government Ethics issue Legal Advisory 07 x 14, which states, "OGE has received many questions from agency ethics officials and others concerning the application of the [widely attended gathering] exception to sporting events, such as ... horse races OGE has concluded that such events typically do not qualify as WAGs." In order for them to attend, they will have to pay for their tickets and attend in personal capacity.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bennett, Tate

Sent: Friday, March 31, 2017 5:45 PM

To: Hupp, Millan <hupp.millan@epa.gov>
Cc: Hupp, Sydney <hupp.sydney@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Kentucky Derby

Happy to check in and cc you. Is there anything I need to ask?

Sent from my iPhone

On Mar 31, 2017, at 5:41 PM, Hupp, Millan <hupp.millan@epa.gov> wrote:

Governor Bevin invited the Administrator and his wife to attend the Kentucky Derby which is the first weekend in May.

Justina - are there any ethical considerations here?

Tate – would you want to check in with his staff on this or should I?

Gail – is this a trip you would book?

Syd – can you put a hold on the calendar for this?

Thank you!

Millan